

§ 592.6

49 CFR Ch. V (10–1–01 Edition)

Such statement shall be titled “Yearly Statement of Registered Importer”, and shall be filed not later than October 31 of each year. A Registered Importer shall also pay such annual fee or fees as the Administrator may from time to time establish under part 594 of this chapter. An annual fee shall be paid not later than October 31 of any calendar year, and shall be the annual fee for the fiscal year that began on October 1 of that calendar year. Any other fee shall be payable not later than 30 calendar days after the date that the Administrator has notified the Registered Importer of it in writing.

(f) A Registered Importer shall notify the Administrator in writing of any change that occurs in the information which is submitted in its application, not later than the end of the 30th calendar day after such change.

(g) A registration granted under this part is not transferable.

[54 FR 40090, Sept. 29, 1989, as amended at 54 FR 47088, Nov. 9, 1989; 55 FR 37330, Sept. 11, 1990]

§ 592.6 Duties of a registered importer.

Each Registered Importer shall:

(a) With respect to each motor vehicle that it imports into the United States, furnish to the Secretary of the Treasury (acting on behalf of the Administrator) a bond in an amount equal to 150 per cent of the entered value of the vehicle, as determined by the Secretary of the Treasury, to ensure that such vehicle either will be brought into conformity with all applicable Federal motor vehicle safety standards prescribed under part 571 of this chapter within 120 calendar days after such importation, or will be exported (at no cost to the United States) by the importer or the Secretary of the Treasury, or abandoned to the United States. However, if the Registered Importer has procured a continuous entry bond, it shall furnish the Administrator with such bond, and shall furnish the Secretary of the Treasury (acting on behalf of the Administrator) with a photocopy of such bond and Customs Form CF 7501 at the time of importation of each motor vehicle.

(b) Establish, maintain, and retain for 8 years from the date of entry of any nonconforming vehicle for which it

furnishes a certificate of conformity pursuant to paragraph (e) of this section, organized records, correspondence and other documents relating to the importation, modification, and substantiation of certification of conformity to the Administrator, including but not limited to:

(1) The declaration required by § 591.5 of this chapter, and 19 CFR 12.80.

(2) All vehicle or equipment purchase or sales orders or agreements, conformance agreements with importers other than Registered Importers, and correspondence between the Registered Importer and the owner or purchaser of each vehicle for which it has furnished a certificate of conformity.

(3) The last known name and address of the owner or purchaser of each motor vehicle for which it has furnished a certificate of conformity, and the VIN number of such vehicle.

(4) Records, both photographic and documentary, reflecting the modifications made and submitted to the Administrator pursuant to paragraph (e) of this section.

(c) Records, both photographic and documentary, sufficient to substantiate each subsequent certificate furnished to the Administrator for a vehicle of the same model and model year for which documentation has been furnished NHTSA in support of the initial certificate.

(d) Permanently affix to each motor vehicle, upon completion of modifications, a label that meets the requirements of § 567.4 of this chapter, which identifies the Registered Importer, and provide to the Administrator a photocopy of the label attesting that such vehicle has been brought into conformity with all applicable Federal motor vehicle safety and bumper standards.

(e) Certify to the Administrator, upon completion of modifications, that the vehicle has been brought into conformity with all applicable Federal motor vehicle safety and bumper standards, and that it is the person legally responsible for bringing the vehicle into conformity.

(f) In substantiation of the initial certification provided for a specific model and model year, submit to the

Administrator photographic and documentary evidence of conformance with each applicable Federal motor vehicle safety and bumper standard, and with respect to subsequent certifications of such model and model year, such information, if any, as the Administrator may request.

(g) With respect to any motor vehicle for which it has furnished a certificate of conformity to the Administrator, provide notification and remedy according to part 573 and part 577 of this chapter, under any determination.

(1) That a vehicle to which it is substantially similar, as determined under part 593 of this chapter, incorporates a safety related defect or fails to conform with an applicable Federal motor vehicle safety standard. However, this obligation does not exist if the manufacturer of the vehicle or Registered Importer demonstrates to the Administrator that the defect or noncompliance is not present in such vehicle.

(2) That the vehicle incorporates a safety related defect or fails to conform with an applicable Federal motor vehicle safety standard, without reference to whether such may exist in a vehicle to which it is substantially similar, or whether such exists because it was created by the original manufacturer or by the Registered Importer.

(i) The requirement of 49 U.S.C. 30120 that remedy shall be provided without charge shall not apply if the non-compliance or safety related defect exists in a motor vehicle whose first sale after importation occurred more than 10 calendar years before notification respecting the failure to comply is furnished pursuant to part 577 of this chapter, except that if a safety related defect exists and is attributable to the original manufacturer and not the Registered Importer, the requirements of 49 U.S.C. 30120 shall not apply to a motor vehicle whose date of first purchase, if known, or if not known, whose date of manufacture as determined by the Administrator, is more than 10 calendar years from the date on which notification is furnished pursuant to part 577 of this chapter.

(ii) Notification furnished pursuant to this paragraph and part 577 of this chapter shall include the statement that in the absence of the Registered

Importer's facility being within 50 miles of the owner's mailing address for performance of repairs, such repairs may be performed at a specific facility designated by the Registered Importer within 50 miles, or, if no such facility is designated, anywhere, and shall also include an explanation how repair is to be accomplished without charge to the vehicle owner.

(h) In order to allow the Administrator to determine whether a Registered Importer is meeting its statutory responsibilities, admit representatives of NHTSA during operating hours, upon demand, and upon presentation of credentials, to copy documents, or to inspect, monitor, or photograph any of the following:

(1) Any facility where any vehicle, for which a Registered Importer has the responsibility of providing a certificate of conformity to applicable safety standards, is being modified, tested, or stored;

(2) Any facility where any record or other document relating to modification, testing, or storage of vehicles being conformed, is filed;

(3) Any part or aspect of activities relating to the modification, testing, and/or storage of vehicles by the Registered Importer.

(4) Any motor vehicle for which it has provided a certification of conformity to the Administrator, and which remains in its custody or under its control.

(i) Maintain in effect a prepaid mandatory service insurance policy underwritten by an independent insurance company as a guarantor of its performance under paragraph (g) of this section.

(j) With respect to any motor vehicle it has imported and for which it has furnished a performance bond, to deliver such vehicle to the Secretary of the Treasury for export, or to abandon it to the United States, upon demand by the Administrator if such vehicle has not been brought into conformity with all applicable Federal motor vehicle safety standards.

[54 FR 40090, Sept. 29, 1989, as amended at 54 FR 47088, Nov. 9, 1989; 58 FR 30997, May 28, 1993; 59 FR 31560, June 20, 1994; 59 FR 52098, Oct. 14, 1994; 65 FR 68110, Nov. 14, 2000]